

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BLOOM *et al.*

Appl. No. 09/227,742

Filed: January 8, 1999

For: **Method for Increasing Viability
and Transformation Efficiency of
Bacteria During Storage at Low
Temperatures**



Art Unit: 1636

Examiner: Railey, J.

Atty. Docket: 0942.4770003/RWE/GER

**Information Disclosure Statement and Fee
Under 37 C.F.R. § 1.97(c)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

A copy of each of the documents listed on the accompanying Form PTO-1449 is provided herewith, except for document AR1 ("Adamczky"). Adamczky was submitted in an Information Disclosure Statement in parent Appl. No. 08/826,426, which issued as U.S. Patent No. 5,891,692. The present application is a continuation of Appl. No. 08/826,426, and the present application relies on Appl. No. 08/826,426 for an earlier filing date under 35 U.S.C. § 120. Applicants respectfully direct the Examiner to the file for U.S. Patent No. 5,891,652, in which Adamczky can be found. 37 C.F.R. § 1.98(d).

The Examiner's attention is respectfully directed to the following co-pending U.S. Patent Application Nos.:

08/705,003, filed August 29, 1996;

08/790,820, filed January 30, 1997;

08/25/1999 SLUW6 0000094 0927742 240.00 DP
01 FC:126

09/020,911, filed February 9, 1998; and

09/023,790, filed February 13, 1998,

which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

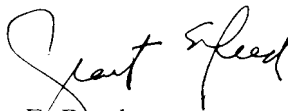
This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

In accordance with 37 C.F.R. § 1.97(c), fee payment under 37 C.F.R. § 1.17(p) is provided in our accompanying Check No. 25204. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted.

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